

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAYMOND BOUCHER,

Plaintiff,

vs.

Civ. No. 14-166 MV/KK

**LIBERTY MUTUAL INSURANCE
COMPANY,**

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Proposed Findings and Recommended Disposition by United States Magistrate Judge Kirtan Khalsa, filed December 12, 2014. (Doc. 55.) The parties have not filed any objections. The failure to make timely objections to the Magistrate Judge's Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 55) are adopted.

IT IS FURTHER ORDERED that:

1. Plaintiff's Motion is granted insofar as it seeks leave to amend Plaintiff's Complaint to eliminate the declaratory judgment action and add more definite statements as to the remaining allegations contained in the original Complaint;


2. That Plaintiff's Motion is granted insofar as it seeks leave to amend Plaintiff's Complaint to substitute the properly named party Employers Insurance Company of Wausau for Defendant Liberty Mutual Insurance Company;

3. That Plaintiff's Motion is granted insofar as it seeks leave to amend Plaintiff's Complaint to join Wausau insurance adjusters Dustin Lewis, Amanda Galvan, and Denise Velasquez as defendants, and to add claims on his behalf against them for breach of contract, common law bad faith and breach of fiduciary duties, violation of the Trade Practices and Frauds Act, violation of the Unfair Trade Practices Act, and breach of implied covenant of good faith and fair dealing;

4. That Plaintiff's Motion is denied insofar as it seeks leave to amend Plaintiff's Complaint to join AAA and Ms. Lowe as defendants to this litigation and to add claims on his behalf against them for breach of contract, common law bad faith and breach of fiduciary duties, violation of the Trade Practices and Frauds Act, violation of the Unfair Trade Practices Act, and breach of implied covenant of good faith and fair dealing;

5. That Plaintiff's Motion is denied insofar as it seeks leave to amend Plaintiff's Complaint to join Ms. Boucher as a plaintiff and to add claims on her behalf against AAA and Ms. Lowe for breach of contract, common law bad faith and breach of fiduciary duties, violation of the Trade Practices and Frauds Act, violation of the Unfair Trade Practices Act, and breach of implied covenant of good faith and fair dealing be denied; and,

6. That Plaintiff's Motion to Remand is denied.



MARTHA NAZQUID
United States District Judge